

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

21-cr-0466 (LAK)

DEJESUS PEGUERO BRITO,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

Before the Court is defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).

On February 14, 2022, defendant pled guilty to a single count of conspiring to distribute and possess with the intent to distribute narcotics in violation of 21 U.S.C. §§ 841 and 846.¹ On May 24, 2022, the Court sentenced defendant principally to a term of imprisonment of 72 months, below the Guidelines range of 87–108 months.² On November 7, 2023, defendant moved, *pro se*, for a reduction of sentence.³ On December 1, 2023, Probation completed a supplemental

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Dkts 47, 50.

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Dkt 63.

In its sentencing submission, the government agreed with the defendant that a below-Guidelines sentence was appropriate. Dkt 61 at 2.

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Dkt 101.

presentence report.⁴ On December 18, 2023, defendant filed, *pro se*, a supplemental 3582 motion.⁵

Defendant contends that a reduction of his sentence is warranted by Amendment 821 to the Sentencing Guidelines. Part B of Amendment 821 provides that certain defendants with zero criminal history points are entitled to a two-level offense level reduction. At the time of sentencing defendant had zero criminal history points.⁶ As defendant's offense of conviction does not disqualify him from the reduction under Part B, the Court finds that he is eligible for the two-level reduction. Accordingly, defendant's original offense level of 29 is reduced to 27.⁷ The applicable Guidelines range is thus reduced from 87–108 months to 70–87 months.⁸

The Court finds that the defendant is eligible for a sentence reduction and adopts the above calculations as to defendant's revised offense level and Guidelines range.

Having considered the record in this case, the defendant's arguments, and the supplemental presentence report,⁹ it is

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Dkt 102.

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Dkt 103.

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Dkt 102 at 2.

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Id. at 3.

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Id.

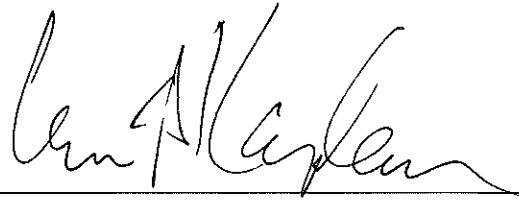
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The Court notes that, according to the supplemental presentence report, defendant “has not received any disciplinary sanctions while in custody.” *Id.*

ORDERED that the defendant's term of imprisonment is reduced to 58 months.

SO ORDERED.

Dated: February 14, 2024

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge